

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
APRIL 9, 2009 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO INTRODUCE THE NEW LORD FAIRFAX COMMUNITY
COLLEGE PRESIDENT TO THE FAUQUIER COUNTY BOARD OF SUPERVISORS**

Paul McCulla, County Administrator, introduced Dr. Cheryl Thompson-Stacy, President of the Lord Fairfax Community College, who provided the Board of Supervisors with goals and strategies for the College at the Fauquier Campus.

**FAUQUIER COUNTY EXTENSION OFFICE PRESENTATION REGARDING THE
“GREEN” GRASS PROGRAM**

Tim Mize, Extension Agent with the Fauquier County Extension Office, discussed the “Green” Grass project which is a volunteer run program that assists homeowners and County residents on proper fertilization programs to reduce non-point pollution sources from contaminating ground and surface water supplies.

A WORK SESSION TO DISCUSS RURAL BROADBAND DEPLOYMENT

Paul McCulla, County Administrator, discussed significant new Federal funding that will be available through the American Recovery and Reinvestment Act of 2009 to assist localities with the expansion of broadband services, and requested guidance from the Board of Supervisors regarding the role the Board wishes the County government to take with broadband deployment.

**A CLOSED MEETING PURSUANT TO VIRGINIA CODE SECTION 2.2-3711.A.7
PERTAINING TO CONSULTATION WITH THE COUNTY ATTORNEY REGARDING
ACTUAL OR PROBABLE LITIGATION AND SPECIFIC LEGAL MATTERS
REQUIRING THE PROVISION OF LEGAL ADVICE BY THE COUNTY ATTORNEY
ON THE ISSUE OF THE SAGEBRUSH SPECIAL EXCEPTION APPLICATION
PENDING LITIGATION REGARDING BROOKSIDE AND THE ECONOMIC
DEVELOPMENT AUTHORITY**

Mr. Nyhous moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding actual or probable litigation and specific legal matters requiring the provision of legal advice by the County Attorney on the issue of the Sagebrush special exception application and pending litigation regarding Brookside and the Economic Development Authority. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Upon reconvening from the closed meeting, Mr. Nyhous moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 12th day of March 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Nyhous offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Nyhous led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Nyhous moved to adopt the agenda as presented. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Trumbo presented a Proclamation to Designate April 2009 as Donate Life Month in Fauquier County to Ms. Ellen Cameron, donor recipient representing the Washington Regional Transplant Society.
- Mr. Trumbo presented to Barbara Severin of the Fauquier County Library Board, and Maria del Rosso, Library Director, with a Proclamation to Declare the Week of April 12-18, 2009 as National Library Week in Fauquier County.

CONSENT AGENDA

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes for the Board of Supervisors' March 12, 2009 Regular Meeting

A Resolution to Amend the FY 2009 Adopted Budget by \$437,574

RESOLUTION

A RESOLUTION TO AMEND THE FY 2009 ADOPTED BUDGET BY \$437,574

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on April 2, 2008, the Board of Supervisors adopted the Fauquier County FY 2009 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on March 5, 2009, the Finance Committee recommended for FY 2009 budget adjustments of \$437,574 for the purposes set forth below; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of April 2009, That the FY 2009 Budget be, and is hereby, amended in the amount of \$437,574 as indicated on the attached summary.

April 9, 2009 Budget Action Summary

<u>Requesting Department</u>	<u>Action</u>	<u>Amount</u>	<u>Category</u>		<u>Explanation</u>
			<u>From</u>	<u>To</u>	
General Services	Capital Transfer	\$235,000	Capital Contingency Reserve	Americans with Disabilities Act (ADA) Projects	Fund improvements that provide accessibility under the Americans with Disabilities Act at various county facilities. The Facilities Planning and Implementation Committee recommended \$235,000 for improvements at the Marshall and Warrenton Community Centers at its February 17, 2009 meeting.

<u>Requesting Department</u>	<u>Action</u>	<u>Amount</u>	<u>Category</u>		<u>Explanation</u>
			<u>From</u>	<u>To</u>	
General Services	Old Laundry Building Renovation (Capital Transfer/General Fund)	\$147,507	Radio System (\$102,507) Major Systems (\$45,000)	Evidence Storage Capital Projects	Transfer Non-Bond Balance in the Public Radio System Project and Major Systems Replacement funding in the General Fund to renovate the Old Laundry Building as an evidence storage facility for the Sheriff's Office.
Management and Budget	Animal Friendly License Plate Revenue	\$1,745	State Revenue	Fauquier SPCA	The State of Virginia provides to localities a portion of the proceeds received from the Department of Motor Vehicles' sale of Animal Friendly license plates in order to support sterilization programs for dogs and cats. Revenue was the proceeds allocated to the Society for the Prevention of Cruelty to Animals (SPCA).
School Division	Mental Health Grant	\$31,500	Local Revenue	School Division Technical	The Mental Health Association of Fauquier County has awarded funds for a part time temporary mental health specialist.
School Division	Mentor Teacher Program	\$9,024	State Revenue	School Division Supplement	Additional funding from the Commonwealth of Virginia for the Mentor Teacher Program per the actual FY 09 award.
Volunteer Fire & Rescue Association	EMT Training	\$4,263	Volunteer Fire & Rescue Association Fund	Fire & Emergency Services Overtime	This action requests funds from the Emergency Medical Services Committee be appropriated to Fire & Emergency Services training expenses.
Volunteer Fire & Rescue Association	Fire & Rescue Training	\$3,666	F&RA Revenue	Fire & Emergency Services Overtime	This action requests funds from Fire & Rescue Training Committee be appropriated to Fire & Emergency Services for Fire & Rescue training expenses.

<u>Requesting Department</u>	<u>Action</u>	<u>Amount</u>	<u>Category</u>		<u>Explanation</u>
			<u>From</u>	<u>To</u>	
Volunteer Fire & Rescue Association	Operational Expenses	\$4,869	Insurance and Miscellaneous Revenue	Volunteer Fire & Rescue Association	Appropriates fees and reimbursements for training materials, insurance expenses and other operational expenditures in the Volunteer Fire & Rescue Association Fund.

A Resolution Authorizing the Use of the Edward Byrne Memorial Justice Assistance Grant (JAG) Awarded to the Sheriff's Office

RESOLUTION

A RESOLUTION AUTHORIZING THE USE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) AWARDED TO THE SHERIFF'S OFFICE

WHEREAS, the U.S. Department of Justice, Justice Assistance Grant Program (JAG) under the Fiscal Year 2009 Local Solicitation (Edward Byrne Memorial) has advised the County of Fauquier of its direct award of \$57,076.00 under this program; and

WHEREAS, no cash match is required by the County of Fauquier; and

WHEREAS, the funding under this new program will be used by the Fauquier County Sheriff's Office to purchase five Mobile Data Terminals; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th of April 2009, That this grant be, and is hereby authorized, and was made a public notification.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning the Amendment and Readoption of the Fauquier County Towing Ordinance, Fauquier County Code Chapter 13, Article V

RESOLUTION

A RESOLUTION TO DIRECT THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING THE AMENDMENT AND READOPTION OF THE FAUQUIER COUNTY TOWING ORDINANCE, FAUQUIER COUNTY CODE CHAPTER 13, ARTICLE V

WHEREAS, *Code of Virginia* § 46.2-1217 authorizes the governing body of any county to regulate police towing services by ordinance; and

WHEREAS, on March 12, 2009, the Fauquier County Board of Supervisors adopted a towing ordinance; and

WHEREAS, it is in the best interest of the citizens of Fauquier County to amend and readopt the Fauquier County Towing Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of April 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the amendment and readoption of the towing ordinance.

A Resolution Authorizing an Application for Community Oriented Policing Services (COPS) Grant Funding from the U.S. Department of Justice

RESOLUTION

A RESOLUTION AUTHORIZING AN APPLICATION FOR COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE

WHEREAS, American Recovery and Reinvestment Act funding is available through the COPS Hiring Recovery Program of the Department of Justice for the purpose of hiring and/or rehiring career law enforcement officers in an effort to create and preserve jobs, and to increase community policing capacity and crime prevention efforts; and

WHEREAS, the Fiscal Year 2010 budget reduced the level of sworn officers in the Sheriff's Office from FY 2009 levels due to fiscal constraints; and

WHEREAS, the grant funds, if received, would allow the Sheriff to restore the eliminated position and increase staffing levels to respond to needs for increased community policing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of April 2009, That the Board of Supervisors does hereby authorize staff to complete and submit an application to the Department of Justice for COPS grant funding for three entry level positions; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application on behalf of Fauquier County.

Addition to Fenton Chase Subdivision: Preliminary Plat PPLT09-SC-001, Scott District

No action was taken.

**A Resolution for Subdivision Street Acceptance for the Warrenton Lakes Subdivision:
King William Street and Lancaster Drive, Center Magisterial District**

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR THE WARRENTON
LAKES SUBDIVISION: KING WILLIAM STREET AND LANCASTER DRIVE, CENTER
MAGISTERIAL DISTRICT

WHEREAS, the Warrenton Residency Office of the Virginia Department of Transportation recommends that the street(s) referenced in this Board resolution be added to the secondary system of state highways as a no cost rural addition pursuant to Section 33.1-229 and Commonwealth Transportation Board policy, because the streets meet current minimum standards, the condition of the existing hard surface is serviceable, the streets have provided continuous public service since their establishment in 1973 and currently serve 20 occupied residential dwellings; and

WHEREAS, the Warrenton Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the streets described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of the Department; now, therefore, be it

RESOLVED, That this Board requests the Virginia Department of Transportation to add the streets described on the attached additions form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation; and, be it

RESOLVED FURTHER, That this Board guarantees a clear and unrestricted right-of-way, as described on the attached form AM-4.3, and any necessary easements for cuts, fills and drainage; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

**A RESOLUTION INITIATING A COMPREHENSIVE PLAN AMENDMENT TO THE
NEW BALTIMORE SERVICE DISTRICT PLAN CONCERNING THE ALIGNMENT
OF ROUTE 215, AND CREATING A NEW BALTIMORE CITIZENS PLANNING
COMMITTEE TO FURTHER EXAMINE TRANSPORTATION IN NEW BALTIMORE**

Mr. Nyhous moved to adopt the following resolution. Mr. Trumbo seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None

Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION INITIATING A COMPREHENSIVE PLAN AMENDMENT TO THE NEW BALTIMORE SERVICE DISTRICT PLAN CONCERNING THE ALIGNMENT OF ROUTE 215, AND CREATING A NEW BALTIMORE CITIZENS' PLANNING COMMITTEE TO FURTHER EXAMINE TRANSPORTATION IN NEW BALTIMORE

WHEREAS, the Fauquier County Transportation Committee studied the future alignment of Route 215 (Vint Hill Road) at its meetings from June 2008 through March 2009 and duly considered traffic, engineering, environmental and historic studies and implications; and

WHEREAS, the Transportation Committee at its meeting on March 25, 2009, recommended a short-term refinement to the New Baltimore Service District Transportation Plan (NBSDTP) and a longer term recommended action; and

WHEREAS, the short-term Transportation Committee recommendation proposed that Route 215 remain on its current alignment and the "alignment flexibility area" be removed from the NBSDTP; and

WHEREAS, the Transportation Committee further recommended that the County reconvene the Citizen Planning Committee to review and update the New Baltimore Service District Transportation Plan and consider the Transportation Committee's additional and broader recommendations; and

WHEREAS, the Board of Supervisors finds that the Transportation Committee recommendations represent good planning practice; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 9th day of April 2009, That the New Baltimore Service District Transportation Plan revision termed as elimination of the Route 215 Alignment/Interchange Flexibility Area and amendments of associated descriptive text be, and is hereby, initiated and referred immediately to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the New Baltimore Service District's Citizen Planning Committee be reconvened and appointed for the primary purpose of reviewing the Transportation Committee's broader recommendations, contained in its March 25, 2009 report; and, be it

RESOLVED FINALLY, That the New Baltimore Service District Citizen Planning Committee, after due deliberation regarding the report and other studies and technical information, prepare proposed revisions to the New Baltimore Service District Transportation Plan for Planning Commission public hearing and recommendation to the Board of Supervisors.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-406 TO RESTRUCTURE AND CLARIFY EXISTING PROVISIONS RELATED TO NON-COMMON OPEN SPACE

Mr. Nyhous moved to adopt the following resolution. Mr. Trumbo seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-406 TO RESTRUCTURE AND CLARIFY EXISTING PROVISIONS RELATED TO NON-COMMON OPEN SPACE

WHEREAS, on September 28, 2008, the Planning Commission initiated this text amendment; and

WHEREAS, on October 30, 2008, and January 29, 2009 the Planning Commission held public hearings on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on March 12, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 2-406 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of April 2009, That Section 2-406 be, and is hereby, amended as follows:

[Note, as the entire section is being reorganized, the entire original section is struck out and replaced with the wording below. For clarity, all text is not highlighted and underlined simply because it is being relocated. The only changes highlighted are those where words are actually changing.]

2-406.1 Common Open Space Requirements

1. Except in the RA and RC zones, when a lot is proposed for subdivision using the cluster provisions of Article 3, a minimum of fifty (50)

percent of the gross site area shall be in common open space, unless a special exception satisfying the standards of Section 5-2701 is approved.

2. When a lot is proposed for conventional subdivision into 25 or more lots in the RR-2, R-1, R-2, R-3, or R-4 zones, the following minimum percentages of gross site area shall be in common open space unless a special exception satisfying the standards of Section 5-2701 is approved. At least 50% of the designated open space shall be configured for contiguous usable recreation purposes.

RR-2	35%
R-1	25%
R-2	20%
R-3	15%
R-4	15%

3. In the approval of a cluster subdivision, in no case shall the applicable regulations or use limitations for the district be modified or changed, nor shall any lot extend into an estimated floodplain area unless approved by the Commission based on the determination that:
 - A. The particular floodplain, by reason of its size or shape, has no particular open space value, and
 - B. The lot, exclusive of floodplain, contains seventy-five (75) percent of the required minimum lot area specified for the district in which located.

2-406.2

Non-Common Open Space Requirements

1. In the RA and RC Zoning Districts, 85 percent of the gross site area shall be in non-common open space unless a special exception satisfying the standards of Section 5-2601 is approved. For lots of less than thirty (30) acres on May 21, 1986 and less than thirty (30) acres at the time of division, the open space requirement of Section 3-408 does not apply.
2. The open space shall be in one parcel and shall meet the requirements of Section 2-705 of the Zoning Ordinance.
3. The acreage upon which the open space is to be calculated shall be determined as set forth in Section 2-406.3.
4. The open space shall be located so as to meet the requirements of Section 2-406.4.

5. A buffer meeting the requirements of Section 2-406.5 shall be established along all one-hundred year floodplain located in non-common open space.
6. The recordation of non-common open space shall meet the requirements of Section 2-406.6.

2-406.3

Calculation of Non-Common Open Space

With respect to any subdivision for which 85 percent non-common open space is required by this Ordinance, the acreage upon which the open space is to be calculated shall be determined as follows:

1. For a lot or parcel which has not been altered in size since May 21, 1986, 85 percent of the original acreage shall constitute the required open space.
2. For a lot or parcel which has been divided in accordance with any large lot division provision in effect since May 21, 1986, 85 percent of each such large lot shall constitute the required open space.
3. For a lot or parcel which has been subdivided after May 21, 1986 as either a clustered open space subdivision, an administrative subdivision or a family transfer, 85 percent of the acreage at the time of the first subdivision shall constitute the required open space, unless the parcel has thereafter been increased in size through boundary line adjustment, in which case the increased acreage shall be the basis for calculating the required open space. Boundary line adjustment or resubdivision of the residue below the 85 percent open space requirement is not permissible without a special exception for reduction of the open space.
4. For a lot or parcel which has been either increased or decreased in size by a boundary line adjustment after May 21, 1986, 85 percent of the acreage of the parcel at the time the parcel is to be subdivided shall be placed in open space. Reduction of the parcel below the minimum acreage limit for which open space is required shall not relieve the parcel of the 85 percent open space requirement

2-406.4

Location of Non-Common Open Space

1. ~~The non-common open space parcel~~ The proposed development will not result in loss of The proposed development shall not result in the unnecessary loss or degradation of ~~incorporate~~ natural resources, including prime agricultural and forestal lands; environmentally

sensitive areas such as floodplains, steep slopes, rock outcrops and seasonally wet areas; predominant or unusual geologic features such as mountain peaks, caverns, gorges; and areas critical to the existence of important types of flora and/or fauna. The standards for identifying such features are provided below. ~~evaluating the impact will be as follows: (1) ——— Natural resources, environmentally sensitive areas and unusual geological features will be identified using the following criteria: B.~~ The natural features shall ~~will~~ be included in the non-common open space unless the Board finds that doing so would not be appropriate regarding the site or would not allow the applicant to develop 50% of the otherwise allowable site density.

- A. Prime Agricultural Lands - those soils which are delineated as Class I, II or III soils by the Soil Conservation Service, and other soils with slopes less than 15% which have comparable productive value as those rated Class III or better as delineated on the Fauquier County Soils Survey or based upon acceptable soils delineation study. See Appendix A for list of soils.
 - B. Prime Forest Lands - those that are well suited for timber production (as delineated by soil type on the Fauquier County Soil Survey or by acceptable soils delineation study) and which contain stands of timber which could qualify for use valuation taxation on the effective date of this Ordinance. See Appendix A for a list of soils.
 - C. Floodplains – the one-hundred year floodplain as delineated in the overlay district or as revised based on acceptable detailed engineering studies.
 - D. Steep Areas - those areas containing slopes in excess of 25% as determined using current United States Geological Survey quads or as determined based on acceptable detailed engineering studies.
 - E. Highly Erodible Soils as delineated by soil type on the Fauquier County Soil Survey or based on acceptable soils delineation study. See Appendix A for list of soils.
 - F. Rock outcrops and seasonally wet areas - as per site investigation.
 - G. Areas critical to the existence of important flora and/or fauna - as per site investigation.
2. The proposed layout of non-common open space ~~Board~~ shall be designed to protect any scenic and/or historic resources that would be impacted by the development and the Board may require impacts be

mitigated. ~~and may require that adverse impacts be mitigated.~~
Standards for evaluating the impacts are as follows:

- A. Site improvements including streets and lots shall take advantage of topography so as to mitigate adverse visual impacts and maintain, to the extent possible, the scenic qualities and/or historic resources.
 - B. Scenic resources shall include those areas with a 1 or 2 rating in the current visual analysis policy adopted by the Board by resolution.
 - C. Historic resources shall include those listed in the Comprehensive Plan.
3. The proposed layout of non-common open space ~~development~~ shall be sufficiently compatible in character and intensity with the adjoining agricultural ~~existing~~ uses in the neighborhood so that it will not significantly jeopardize or infringe upon the continuation of such existing uses. The potential conflicts ~~and potential, therefore, between major~~ residential developments on one hand, and sparsely settled rural areas, particularly intensive agricultural production operation, on the other, shall be taken into account in laying out the lots and non-common open space. A permit for a major residential development shall not be denied in a finding based solely on this paragraph if it can be shown that sufficient open space would adequately prevent undue change in the character of the area involved and sufficiently diminish land use conflicts between residential and agricultural uses. The general standards for determining compatibility of character and intensity will be as follows: (1) Lots of less than 10 acres, but a minimum of 2 acres, should be buffered from an Agricultural and Forestal District or an existing agricultural use. (2) Lots of less than 2 acres should be buffered from an Agricultural and Forestal District or an existing agricultural use. If possible the buffers should be at least 2,000 ft. (3) In no case shall the net site density be reduced by more than 50% solely as a result of the application of this Paragraph C.

2-406.5

Reserved.

2-406.6

Recordation of Deed of Non-Common Open Space

The deed of non-common open space shall be recorded as follows:

1. Administrative and family transfer divisions. A deed of non-common open space meeting the requirements of Section 2-705 must be recorded when either:
 - A. there is insufficient land available for future subdivision after deduction for the 85 percent open space area; or
 - B. no additional sliding scale density is available
2. Subdivisions other than administrative and family transfer divisions which exhaust all density under the sliding scale. A deed of non-common open space physically designating the open space shall be recorded with the plat of subdivision.
3. Subdivisions other than administrative and family transfer divisions which do not exhaust all density under the sliding scale. Deed of Non-Common Open Space shall be recorded at the time of the first plat of subdivision. The Deed of Non-Common Open Space shall either physically designate the 85% open space or reserve the additional development rights by providing agreement language for the deed and plat that upon completion of subdivision at least 85% of parcel will remain in undivided non-common open space. The Director or subdivision agent may, in his discretion, impose platting requirements at the time of subdivision sufficient to ensure that at least 85% open space will be provided upon completion of the development.

2-406 Open Space Requirements

1. ~~Except in the RA and RC zones, when a lot is proposed for subdivision using the cluster provisions of Article 3, a minimum of fifty (50) percent of the gross site area shall be in open space, unless a special exception satisfying the standards of Section 5-2601 is approved.~~
2. ~~When a lot is proposed for conventional subdivision into 25 or more lots in the RR 2, R 1, R 2, R 3, or R 4 zones, the following minimum percentages of gross site area shall be in common open space unless a special exception satisfying the standards of Section 5-2701 is approved. At least 50% of the designated open space shall be configured for contiguous usable recreation purposes.~~

RR 2	35%
R 1	25%
R 2	20%
R 3	15%
R 4	15%

~~3. In the RA and RC Zoning Districts, 85 percent of the gross site area shall be in non-common open space unless a special exception satisfying the standards of Section 5-2601 is approved. The non-common open space shall be in one parcel and shall meet the requirements of Section 2-705 of the Zoning Ordinance. The deed of non-common open space shall be recorded as follows:~~

~~A. Administrative and family transfer divisions:~~

~~A deed of non-common open space meeting the requirements of Section 2-705 must be recorded when either:~~

~~i. there is insufficient land available for future subdivision after deduction for the 85 percent open space area; or~~

~~ii. no additional sliding scale density is available~~

~~B. Subdivisions other than administrative and family transfer divisions which exhaust all density under the sliding scale:~~

~~A deed of non-common open space physically designating the open space shall be recorded with the plat of subdivision.~~

~~C. Subdivisions other than administrative and family transfer divisions which do not exhaust all density under the sliding scale:~~

~~Deed of Non-Common Open Space shall be recorded at the time of the first plat of subdivision. The Deed of Non-Common Open Space shall either physically designate the 85% open space or reserve the additional development rights by providing agreement language for the deed and plat that upon completion of subdivision at least 85% of parcel will remain in undivided non-common open space. The Director or subdivision agent may, in his discretion, impose platting requirements at the time of subdivision sufficient to ensure that at least 85% open space will be provided upon completion of the development.~~

~~D. With respect to any subdivision for which 85 percent open space is required by this Ordinance, the acreage upon which the open space is to be calculated shall be determined as follows:~~

- i. ~~For a lot or parcel which has not been altered in size since May 21, 1986, 85 percent of the original acreage shall constitute the required open space.~~
 - ii. ~~For a lot or parcel which has been divided in accordance with any large lot division provision in effect since May 21, 1986, 85 percent of each such large lot shall constitute the required open space.~~
 - iii. ~~For a lot or parcel which has been subdivided after May 21, 1986 as either a clustered open space subdivision, an administrative subdivision or a family transfer, 85 percent of the acreage at the time of the first subdivision shall constitute the required open space, unless the parcel has thereafter been increased in size through boundary line adjustment, in which case the increased acreage shall be the basis for calculating the required open space. Boundary line adjustment or resubdivision of the residue below the 85 percent open space requirement is not permissible without a special exception for reduction of the open space.~~
 - iv. ~~For a lot or parcel which has been either increased or decreased in size by a boundary line adjustment after May 21, 1986, 85 percent of the acreage of the parcel at the time the parcel is to be subdivided shall be placed in open space. Reduction of the parcel below the minimum acreage limit for which open space is required shall not relieve the parcel of the 85 percent open space requirement.~~
4. ~~In the approval of a cluster subdivision, in no case shall the applicable regulations or use limitations for the district be modified or changed, nor shall any lot extend into an estimated floodplain area unless approved by the Commission based on the determination that:~~
- A. ~~The particular floodplain, by reason of its size or shape, has no particular open space value, and~~
 - B. ~~The lot, exclusive of floodplain, contains seventy-five (75) percent of the required minimum lot area specified for the district in which located.~~
5. ~~In the RA and RC Zoning Districts:~~
- A. ~~The proposed development shall not result in the unnecessary loss or degradation of natural resources, including prime agricultural~~

~~and forestal lands; environmentally sensitive areas such as floodplains, steep slopes, rock outcrops and seasonally wet areas; predominant or unusual geologic features such as mountain peaks, caverns, gorges; areas critical to the existence of important types of flora and/or fauna. The standards for evaluating the impact will be as follows:~~

~~(1) Natural resources, environmentally sensitive areas and unusual geological features will be identified using the following criteria:~~

- ~~a. Prime Agricultural Lands—those soils which are delineated as Class I, II or III soils by the Soil Conservation Service, and other soils with slopes less than 15% which have comparable productive value as those rated Class III or better as delineated on the Fauquier County Soils Survey or based upon acceptable soils delineation study. See Appendix A for list of soils.~~
- ~~b. Prime Forest Lands—those that are well suited for timber production (as delineated by soil type on the Fauquier County Soil Survey or by acceptable soils delineation study) and which contain stands of timber which could qualify for use valuation taxation on the effective date of this Ordinance. See Appendix A for a list of soils.~~
- ~~c. Floodplains—as delineated in the overlay district or as revised based on acceptable detailed engineering studies.~~
- ~~d. Steep Areas—those areas containing slopes in excess of 25% as determined using current United States Geological Survey quads or as determined based on acceptable detailed engineering studies.~~
- ~~e. Highly Erodible Soils as delineated by soil type on the Fauquier County Soil Survey or based on acceptable soils delineation study. See Appendix A for list of soils.~~
- ~~f. Rock outcrops and seasonally wet areas—as per site investigation.~~
- ~~g. Areas critical to the existence of important flora and/or fauna—as per site investigation.~~

~~(2) Natural features will be included in the open space unless the Board finds that doing so would not be appropriate regarding the site or would not allow the applicant to develop 50% of the otherwise allowable site density.~~

~~B. The Board shall take into account any scenic and/or historic resources that would be impacted by the development and may require that adverse impacts be mitigated. Standards for evaluating the impacts are as follows:~~

~~(1) Site improvements including streets and lots shall take advantage of topography so as to mitigate adverse visual impacts and maintain, to the extent possible, the scenic qualities and/or historic resources.~~

~~(2) Scenic resources shall include those areas with a 1 or 2 rating in the current visual analysis policy adopted by the Board by resolution.~~

~~(3) Historic resources shall include those listed in the Comprehensive Plan.~~

~~C. The proposed development shall be sufficiently compatible in character and intensity with the existing uses in the neighborhood that it will not significantly jeopardize or infringe upon the continuation of such existing uses. The conflicts and potential, therefore, between major residential developments on one hand, and sparsely settled rural areas, particularly intensive agricultural production operation, on the other, shall be taken into account. A permit for a major residential development shall not be denied in a finding based solely on this paragraph if it can be shown that sufficient open space would adequately prevent undue change in the character of the area involved and sufficiently diminish land use conflicts between residential and agricultural uses. The general standards for determining compatibility of character and intensity will be as follows:~~

~~(1) Lots of less than 10 acres, but a minimum of 2 acres, should be buffered from an Agricultural and Forestal District or an existing agricultural use.~~

~~(2) Lots of less than 2 acres should be buffered from an Agricultural and Forestal District or an existing agricultural use. If possible the buffers should be at least 2,000 ft.~~

~~(3) In no case shall the net site density be reduced by more than 50% solely as a result of the application of this Paragraph C.~~

~~D. For lots 30 acres or greater, eighty-five percent (85%) of the gross lot area shall be required in open space unless a special exception~~

~~for a lesser amount is granted by the Board. For lots of less than thirty (30) acres the open space requirement of 3-408 does not apply. The open space shall be located so as to best accomplish A, B and C above.~~

~~6. Any person aggrieved by a decision of the Commission with respect to a cluster subdivision may file an appeal with the Board of Supervisors within thirty (30) days of such decision.~~

APPOINTMENTS

No appointments were made.

SUPERVISORS' TIME

- Mr. Graham expressed condolences to the family of Skippy Harris who recently passed away. Mr. Graham encouraged citizens to become involved in the community through volunteer work. Mr. Graham stated that the recent Business Expo had 43 businesses represented at its annual event and he congratulated the Chamber of Commerce on holding a successful event.
- Mr. Stribling wished everyone a Happy Easter. Mr. Stribling encouraged citizens to consider becoming organ donors. Mr. Stribling expressed his appreciation for citizens securing their trash loads, and announced that cleanup crews will soon be organizing local litter control projects.
- Mr. Nyhous congratulated the Boys & Girls Club on the opening of their new facility. Mr. Nyhous announced that the Warrenton Farmers Market will open on April 18, 2009. Mr. Nyhous announced on April 22-23, 2009, the Piedmont Environmental Council will have its annual Garden Club tour.
- Mr. Trumbo stated the recent Civil War History symposium at Fauquier High School was an impressive presentation. Mr. Trumbo stated the Kettle Run High School art show and performances were excellent.

ANNOUNCEMENTS

- Mr. McCulla announced that the County will celebrate its 250th Anniversary on May 1, 2009.
- Mr. McCulla invited the public to attend the dedication of the Northern Fauquier Community Park on May 9, 2009.

- Mr. McCulla stated that Board members will be meeting on April 28, 2009, at the Warrenton Visitors Center to attend a work session to discuss economic development goals.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held on May 14, 2009, at 6:30 PM in the Warren Green meeting room, located at 10 Hotel Street, Warrenton, VA.

A PUBLIC HEARING TO CONSIDER A LEASE AGREEMENT WITH FISH, INC. FOR PROPERTY LOCATED AT 24 PELHAM STREET

A public hearing was held to consider a proposed agreement to lease space to a non-profit organization to support the distribution of food to those in need. Anthony I. Hooper, Deputy County Administrator, summarized the proposed resolution. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Trumbo seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE A LEASE AGREEMENT WITH FISH, INC. FOR PROPERTY LOCATED AT 24 PELHAM STREET

WHEREAS, the County currently leases space to FISH, Inc.; and

WHEREAS, it is desirable to relocate the program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of April 2009, That the County Administrator be, and is hereby, directed to execute a lease with the FISH program at 24 Pelham Street.

SIX-YEAR PLAN FOR SECONDARY ROADS AND 2009-2010 SECONDARY ROAD IMPROVEMENT BUDGET

A public hearing was held to consider the 2009-2010 through 2014-2015 Virginia Department of Transportation Six-Year Plan for Secondary Roads and the 2009-2010 Secondary Road Improvement Budget. Susan Eddy, Chief of Planning, and Darryl Shifflett, representing the Virginia Department of Transportation, summarized the proposed VDOT plan. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution.

Mr. Trumbo seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO ADOPT THE 2009-2010 THROUGH 2014-2015 SECONDARY ROAD SIX-YEAR PLAN AND THE 2009-2010 FISCAL YEAR BUDGET

WHEREAS, the 2009-2010 through 2014-2015 Secondary Construction Six-Year Plan and the 2009-2010 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on April 9, 2009, and that the items brought forth at the public hearing were duly considered; and

WHEREAS, on March 25, 2009, the Fauquier County Transportation Committee recommended adoption of the Secondary Road Six Year-Plan for 2009-2010 through 2014-2015 transportation priorities, which are outlined herein; and

WHEREAS, on April 9, 2009, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of April 2009, That the 2009-2010 through 2014-2015 Secondary Construction Six-Year Plan and the 2009-2010 Fiscal Year Budget be, and are hereby, adopted as follows:

<u>Priority</u>	<u>Magisterial District</u>		<u>UPC</u>	<u>Route Name</u>	<u>Description of Work</u>
0	Cedar Run	748	56092	Eskridges Lane	Reconstruct and Surface Treat from Rt. 806 to end of State Maintenance
0	Cedar Run	806	18168	Elk Run Road	Improve curves at two locations 0.625 Mi. south Rt. 640 to 0.144 Mi. North of Rt. 640
0	Lee	1201	58118	Lucky Hill Road	Reconstruct and Surface Treat from Rt. 651 to Rt. 655
0	Center/Scott	605	76193	Dumfries Road	Intersection Improvements,

0	Marshall	800	87925	Old Culpeper Road	Spot Improvements from Rt. 674 to Rt. 676 Reconstruct and Surface Treat for Rt. 29 to end of State Maintenance
1	Center/Scott	605	11216	Dumfries Road	Turn Lanes at Rt. 674 and Rt. 1401
2	Center/Scott	605	11217	Dumfries Road	Turn Lanes and Drainage Structure 0.294 Mi. East Rt. 674 to 0.656 Mi. East Rt. 674
3	Lee	655	58123	Tinpot Run Road	Bridge Replacement and Approaches over Tinpot Run
4	Lee	655	T7508	Tinpot Run Road/Lucky Hill Road	Improve curve at Intersection Route 1201 and Route 655
5	Lee	651	11153	Sumerduck Road	Bridge and Approaches over Sumerduck Run
6	Lee	615	87929	Silver Hill Road	Reconstruct and Surface Treat from Rt. 651 to 0.3 Mi. North Rt.
7	Cedar Run	794	52240	Heddings Road	Reconstruct and Surface Treat from Rt. 611 to end of State Maintenance
8	Marshall	688	82327	Leeds Manor Road	Two Bridge Replacements and Approaches over Thumb Run and Tributary
9	Scott	600	71965	Broad Run Church Road	Upgrade Road from Rt. 29 to Rt. 676
10	Cedar Run	692	87928	Kines Road	Reconstruct and Surface Treat from Rt. 670 to End of State Maintenance

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE – SECTION 5-1812

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 5-1812 to allow Farmer's Markets with approval of a Special Exception. Kimberley Johnson, Zoning Administrator, summarized the proposed Ordinance text amendment. Chuck Medvitz, Scott District, stated there was an ambiguity of standards and spoke in opposition to the amendment. Cecil Campbell, Scott District, owner of a nursery that produces local produce, spoke in favor of the text amendment. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-318.21 AND 5-1812 OF THE FAUQUIER COUNTY ZONING ORDINANCE REGARDING FARMER'S MARKETS

WHEREAS, on October 9, 2008, the Board of Supervisors initiated this text amendment; and

WHEREAS, on December 10, 2008, January 29, 2009, and February 26, 2009, the Planning Commission held public hearings on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors with a recommendation of denial; and

WHEREAS, on April 9, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 5-1812 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of April 2009, That Section 2-406 be, and is hereby, amended as follows:

5-1812 Additional Standards for a Farmer's Market

7. A farmer's market shall be conducted on the same lot as contains the bona fide, primary residence of the property owner or lessee, or on an adjacent property under the same ownership or lease as the parcel containing the primary residence of the proprietor, unless otherwise waived by the Board of Supervisors by approval of a Special Exception.

See Page III-5 for Key																	
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1
3-318 AGRICULTURE (CATEGORY 18)																	
21. Farmer's Market	X		SP/SE														
22. Community Farmer's Market	X		SP														

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE – ARTICLE 4

A public hearing was held to consider a Zoning Ordinance Text Amendment to Article 4 to amend the Planned Residential Development (PRD) district provisions. Kimberley Johnson, Zoning Administrator, summarized the proposed Zoning Ordinance text amendment. No one else spoke. Mr. Schwartz moved to continue the public hearing and postponed action on the matter for up to 90 days. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

SPECIAL EXCEPTION AMENDMENT #SEAM09-CR-001 – FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNER / APPLICANT) – WARRENTON-FAUQUIER AIRPORT

A public hearing was held to consider an application to amend the conditions of a previously approved Special Exception which allowed for the construction and operation of a wastewater treatment disposal system. The property is located at 5053 Airport Road and Area “A” west of Midland Road (Route 610), Cedar Run District, further described as PIN #7900-51-6351-000 and PIN #7809-78-6301-000. Susan Eddy, Chief of Planning, summarized the application. Jeff Sellers, adjacent property owner, spoke in favor of the application. No one else spoke. Mr. Graham moved to continue the public hearing and postponed action on the matter for up to 90 days. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

SPECIAL EXCEPTIONS #SPEX08-MA-017 & #SPEX08-MA-020 – PETER PETRONZIO & KATHERINE ELLSWORTH (OWNERS/APPLICANTS)

A public hearing was held to consider an application to obtain a Category 20 Special Exception in order to remediate or repair an existing failed septic system and a Category 23

Special Exception to allow for structures associated with the septic system to be installed in the FEMA 100-year floodplain. The property is located on Springs Road (Route 802) at its intersection with Opal Road (Route 687), Marshall District, further described as PIN #6962-30-1310-000. Susan Eddy, Chief of Planning, summarized the application. Peter Petronzio, property owner, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX08-MA-017 & SPEX08-MA-020: APPLICANTS WISH TO OBTAIN A CATEGORY 20 SPECIAL EXCEPTION IN ORDER TO REMEDIATE OR REPAIR AN EXISTING FAILED SEPTIC SYSTEM AND A CATEGORY 23 SPECIAL EXCEPTION TO ALLOW FOR STRUCTURES ASSOCIATED WITH THE SEPTIC SYSTEM TO BE INSTALLED IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 100-YEAR FLOODPLAIN

WHEREAS, Katherine Ellsworth and Peter Petronzio, owners and applicants, are seeking Special Exceptions to allow for an individual sewage discharge system to remediate an existing failed system; and

WHEREAS, this request is to serve an existing three bedroom single family residence (located on a .74 acre parcel, PIN 6962-30-1310-000) owned by the applicants; and the discharge system requires a Category 23 Special Exception since the system will be located within the FEMA 100-year floodplain; and

WHEREAS, on January 29, 2009 and March 26, 2009, the Fauquier County Planning Commission held public hearings on the proposed Special Exception and unanimously recommended approval of the applications, subject to conditions; and

WHEREAS, on April 9, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006, 5-2000 and 5-2300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of April 2009, That SPEX08-MA-017 & SPEX08-MA-020 be, and are hereby, approved, subject to the following conditions:

1. The Special Exceptions are granted for and run with the land indicated in this application, currently known as PIN 6962-30-1310-000.
2. This approval grants one private individual discharge sewage treatment system, for remediation of the failed system, to serve an existing single 3-bedroom family dwelling unit.
3. The applicant shall submit evidence that applicable permits (such as but not limited to VDH and DEQ) have been granted for the discharge sewage treatment system, prior to any land disturbing activities for work associated with the Special Exception.
4. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
5. The individual discharge sewage treatment system (for less than or equal to 1,000 gallons per day of discharge, on a monthly average) shall be in general conformance with the Special Exception Plat prepared by Freeland Engineering, P.C. dated April 16, 2008.
6. The individual discharge sewage treatment system shall be designed to serve a 3-bedroom single-family dwelling unit. The design shall include any conditional permit requirements, per the Health Department or the Department of Environmental Quality. A requisite reference shall be recorded with the deed.
7. The applicant shall comply with 12 VAC 5-640-450 2, entitled "Ownership and Easements" of the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings, to satisfy Health Department permit requirements.
8. The applicant shall provide for either a water meter on its well or an effluent meter to track water usage and submit monthly reports to the Health Department to ensure compliance with this Special Exception and submit reports to the Department of Environmental Quality per VPDES permit conditions.
9. All monitoring requirements shall meet Health Department and Department of Environmental Quality requirements.
10. Evidence of a permanent maintenance and monitoring agreement from a state licensed laboratory, company or business and a report on the status of the permitted system shall be submitted to the Health Department, Department of Environmental Quality, and to the Zoning Administrator per regulatory agency permit requirements to ensure compliance with this Special Exception. A requisite reference shall be recorded with the deed.
11. The applicant shall install oversized septic and pump tanks to provide adequate storage in the event of power outage.
12. A land disturbing permit shall be required prior to construction if the total land disturbance exceeds 10,000 square feet.

13. The on-site treatment system shall be flood-proofed so that potential points of inflow and infiltration, other than the discharge point, into the system will be above the 100- year FEMA floodplain elevation.
14. No fill or installation of structures associated with this project shall create an increase in velocity or elevation on adjacent properties.
15. Septic tanks must be located more than 100 feet from impounded waters.
16. These Special Exceptions (SPEX08-MA-017 & SPEX08-MA-020) for a 3-bedroom single family dwelling unit are conditioned on the preservation of the existing historic farm house and the mill building.
17. All existing historic exterior materials, including the weatherboard wood siding and wood-frame windows currently on the structure, shall be retained and repaired.
18. Any exterior alterations and additions shall be reviewed and approved by the Building Engineer for consistency with preservation standards.
19. A rubble stone foundation shall be required for the house, if the building is elevated out of the Base Flood Elevation area. If the elevation required for flood-proofing is greater than four feet, consideration should be given to moving the house to higher ground on the property.
20. Any expansion of the house footprint cannot exceed 10% of the existing structure.

SPECIAL EXCEPTION #SPEX08-CR-021 – DONNA ANDES (OWNER/APPLICANT) – BETHEL LIGHTHOUSE HIGH SCHOOL (FORMERLY MIDLAND EXTENSION SCHOOL)

A public hearing was held to consider an application

Susan Eddy, Chief of Planning, advised that the applicant had requested the matter be postponed indefinitely in order to allow for revisions to the application. No one else spoke. The public hearing was closed. Mr. Graham moved to refer the matter back to the Planning Commission for further consideration of proposed amendments to the application. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**SPECIAL EXCEPTIONS #SPEX09-CR-013, #SPEX09-CR-014, #SPEX09-CR-015,
SPECIAL PERMIT #SPPT09-CR-030, & COMPREHENSIVE PLAN CONFORMANCE
DETERMINATION #CCRV09-CR-003 – ELK MOUNT FARM, LLC & WILLIAM C.
PATTON (OWNERS) / RANGE 82, LLC (APPLICANT) – RANGE 82 - PUBLIC
SAFETY TRAINING FACILITY**

Postponed at the request of applicant.

With no further business, the meeting was adjourned at 7:53 P.M. to reconvene in work session on April 28, 2009.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 9, 2009.

*Paul S. McCulla
Clerk to the Board of Supervisors*